

RECEIVED
IN MONROE, LA

JUL 20 2006

AC
ROBERT H. SHEM WELL, CLERK
WESTERN DISTRICT OF LOUISIANA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

NELSON WILHENS

* CIVIL ACTION NO. 06-0972

VERSUS

* JUDGE JAMES

ALBERTO GONZALES, ET AL.

* MAGISTRATE JUDGE HAYES

JUDGMENT

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Petitioner's Emergency Motion for Stay of Removal (Document No. 2), and his petition for writ of habeas corpus (Document No.1), to the extent that it challenges the validity of the removal order, be **DISMISSED without prejudice for lack of subject matter jurisdiction.**

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the petitioner's petition for writ of habeas corpus (Document No.1) challenging his continued detention pending removal be **DISMISSED without prejudice as premature.**

THUS DONE AND SIGNED this 20 day of July, 2006, in
Monroe, Louisiana.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION